FILED ___ RECEIVED
ENTERED ___ SERVED ON
COUNSEL/PARTIES OF RECORD

JAN 28 2016

CLERK US DISTRICT COURT
DISTRICT OF NEVADA
BY: ___ DEPUTY

United States District Court

DISTRICT OF NEVADA

Francisco Vidal

Plaintiff/Petitioner,

v.

Joe Lombardo ect.

Defendant/Respondent,

APPLICATION TO PROCEED *IN FORMA PAUPERIS*

CASE NUMBER: 15CV01943

I, Francisco Vidal declare that I am the (*check the appropriate box*)

✓ Plaintiff (filing 42 U.S.C. § 1983)

__ Movant (filing 28 U.S.C. § 2255 motion)

__ Petitioner (writ of habeas corpus 28 U.S.C. §§ 2254 or 2241)

__ Other

__ Defendant/Respondent

in this case. I am unable to prepay the fees of this proceeding or give security because of my poverty. I acknowledge and consent that a portion of any recovery, as directed by the court, shall be paid to the clerk for reimbursement of all fees incurred by me as a result of being granted leave to proceed *in forma pauperis.*

In further support of this application, I answer the following questions:

1. Are you presently employed? __ Yes ✓ No

   a. If the answer is "yes," state the amount of your salary or wages per month, and give the name and address of your employer. (List gross and net salary.)

   b. If the answer is "no," state the date of last employment and the amount of the salary or wages per month which you received.
   October 2013 $500 week

2. Have you received within the past twelve months any money from any of the following sources?

   a. Business, profession or other form of self-employment? __ Yes ✓ No

b. Rent payments, interest or dividends? __ Yes ✓ No
c. Pensions, annuities or life insurance payments? ✓ Yes __ No
d. Gifts or inheritances? __ Yes ✓ No
e. Any other sources? __ Yes ✓ No

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months.
$465 monthly pensions check is spent on legal calls/fees, court fines & investigators, food, Postage ect.

3. Do you own any cash, or do you have money in checking or savings accounts (include any funds in prison accounts, and any funds on deposit with a bank, saving & loan, etc., outside the prison) ?
✓ Yes __ No

If the answer is "yes," state the total value and list the location of each account, type of account, and amount or balance in the account. Do not include your account number(s).
$106.70 in prison IM account

4. Do you own or have any interest in any real estate, stocks, bonds, notes, trusts, automobiles or other valuable property (excluding ordinary household furnishings and clothing)?
__ Yes ✓ No

If the answer is "yes," describe the property, its location and state its approximate value.

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support each month.

6. Do you receive any income from disability, Social Security or any other pension?
__ Yes ✓ No

If the answer is "yes," describe the source and amount received each month.

7. Have you placed any property, assets or money in the name or custody of anyone else in the last two years?
__ Yes ✓ No

If the answer is "yes," give the date, describe the property, assets or money, give the name of the person given custody of the item and the reason for the transfer.

ACKNOWLEDGMENT

I, the undersigned, acknowledge that I have read the foregoing and that the information contained therein is true and correct to my own knowledge and belief.

Further, I state that I have not directly or indirectly paid or caused to be paid to any inmate, agent of an inmate, or family member of any inmate a sum of money, favors or anything else for assistance in the preparation of this document or any other document in connection with this action.

Further, I acknowledge that if any of the information included in this motion for leave to proceed *in forma pauperis* is false or misleading, I understand that sanctions may be imposed against me. Those sanctions may include, but are not limited to, the following:

(1) dismissal of my case with prejudice;
(2) imposition of monetary sanctions;
(3) the Nevada Department of Prisons may bring disciplinary proceedings for a violation of MJ-48 of the Code of Penal Discipline, which can include all sanctions authorized under the Code including the loss of good time credits and punitive confinement; and
(4) perjury charges.

Further, I hereby authorize the United States District Court, District of Nevada, or its representative, to investigate my financial status, and authorize any individual, corporation, or governmental entity to release any such information to the said Court or its representative.

Further, I acknowledge and consent that a portion of any recovery, as directed by the court, shall be paid to the clerk for reimbursement of all fees and costs incurred by me as a result of being granted leave to proceed *in forma pauperis*.

Dated this 15th day of December, 2015.

Vidal
(Signature of Applicant)

I understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

Signed at HDSP
(Location)

Vidal
(Signature)

12-15-15
(Date)

94910
(Inmate Prison Number)

PLEASE EXECUTE A FINANCIAL CERTIFICATE FOR:

I/M: 94910 Francisco Vidal

BAC# 94910 HOUSING 10E 24

DATE 12-4-15

Vidal

REQUESTING INMATE'S SIGNATURE

RECEIVED

DEC 04 2015

HIGH DESERT STATE PRISON LAW LIBRARY

RECEIVING INMATE SIGNATURE / DATE

RCVD INBANK'15DEC10

FINANCIAL CERTIFICATE

I request that an authorized officer of the institution in which I am confined, or other designated entity, such as Inmate Services for the Nevada Department of Prisons (NDOC), complete the below Financial Certificate.

I understand that:

(1) if I commence a petition for writ of habeas corpus in federal court pursuant to 28 U.S.C. § 2254, the filing fee is $5.00, and that such fee will have to be paid by me if the current account balance (line #1 below), or the average account balance (line #2 below), or the average deposits to my account (line #3), whichever is greater, is $20.00 or more;

(2) if I commence a civil rights action in federal court pursuant to 42 U.S.C. § 1983, the filing fee is $350.00, which I must pay in full; and

(a) if my current account balance (line #1 below) is $350.00 or more, I will not qualify for *in forma pauperis* status and I must pay the full filing fee of $350.00 before I will be allowed to proceed with the action;

(b) if I do **NOT** have $350.00 in my account as reflected on line #1 below, before I will be allowed to proceed with an action I will be required to pay 20% of my average monthly balance (line #2 below), or the average monthly deposits to my account (line #3 below), whichever is greater, and thereafter I must pay installments of 20% of the preceding month's deposits to my account in months that my account balance exceeds $10.00 (if I am in the custody of the NDOC, I hereby authorize the NDOC to make such deductions from deposits to my account, and I further understand that if I have a prison job, then the 20% of my paycheck that is guaranteed to me as spendable money will be sent to the court for payment of the filing fee); and

(c) I must continue to make installment payments until the $350.00 filing fee is fully paid, without regard to whether my action is closed or my release from confinement.

Type of action (check one): ✓ civil rights ____ habeas corpus

Francisco Vidal — INMATE NAME (printed)

[signature] 94910 — SIGNATURE & PRISON NUMBER

---

1. CURRENT ACCOUNT BALANCE	106.70
2. AVERAGE MONTHLY BALANCE*	255.60
3. AVERAGE MONTHLY DEPOSITS*	325.97
4. FILING FEE (based on #1, #2 or #3, whichever is greater)	65.18

* for the past six (6) months, from all sources, including amount in any savings account that is in excess of minimum amount that must be maintained

---

I hereby certify that as of this date, the above financial information is accurate for the above named inmate.

(Please sign in ink in a)
(color other than black.)

[signature] — AUTHORIZED OFFICER

12/10/15 — DATE

AA2 — TITLE

Financial Certificates

0094910 - VIDAL, FRANCISCO E

Current Account Balance:	12/10/2015	$106.70
Average Monthly Balance:		$255.60
Average Monthly Deposits:		$325.97
Average Total Monthly Deposit:		$201.76

325•9×
20•%
65•18*

Financial Certificates
0094910 - VIDAL, FRANCISCO E
(6/11/2015 - 12/10/2015)

Trust

Date	Description	Deposit	Withdrawal	Balance
06/11/2015	Opening Balance			$0.00
07/20/2015	Keefe	$65.00		$65.00
07/20/2015	Savings		($6.50)	$58.50
07/31/2015	Commissary		($38.25)	$20.25
08/07/2015	Commissary		($9.18)	$11.07
08/09/2015	Keefe	$400.00		$411.07
08/09/2015	Savings		($40.00)	$371.07
08/14/2015	Commissary		($31.68)	$339.39
08/21/2015	Commissary		($12.40)	$326.99
08/24/2015	Keefe	$50.00		$376.99
08/24/2015	Savings		($5.00)	$371.99
08/28/2015	Commissary		($31.45)	$340.54
09/04/2015	Commissary		($14.52)	$326.02
09/07/2015	Keefe	$45.00		$371.02
09/07/2015	Savings		($4.50)	$366.52
09/11/2015	Commissary		($30.68)	$335.84
09/14/2015	Exception	$465.27		$801.11
09/16/2015	Savings		($46.53)	$754.58
09/16/2015	Commissary		($325.00)	$429.58
09/17/2015	Exception	$465.27		$894.85
09/17/2015	Legal Copies		($8.40)	$886.45
09/18/2015	Commissary		($33.95)	$852.50
09/19/2015	Savings		($46.53)	$805.97
09/22/2015	Court Order Fine		($161.19)	$644.78
09/22/2015	Court Order Fine		($25.00)	$619.78
09/25/2015	Commissary		($74.76)	$545.02
10/02/2015	Commissary		($55.64)	$489.38
10/09/2015	Commissary		($79.22)	$410.16
10/19/2015	Commissary		($297.38)	$112.78
10/19/2015	Exception	$465.27		$578.05
10/21/2015	Savings		($46.53)	$531.52
10/23/2015	Commissary		($198.31)	$333.21
10/23/2015	Legal Copies		($13.20)	$320.01
11/02/2015	Commissary		($14.17)	$305.84
11/03/2015	Legal Copies		($2.60)	$303.24
11/16/2015	Commissary		($94.25)	$208.99
11/24/2015	Medical Copay		($8.00)	$200.99
11/30/2015	Commissary		($50.49)	$150.50
12/02/2015	Commissary		($5.80)	$144.70
12/08/2015	Commissary		($30.84)	$113.86
12/09/2015	Commissary		($3.58)	$110.28
12/09/2015	Commissary		($3.58)	$106.70
12/10/2015	Commissary Refund	$3.58		$110.28
12/10/2015	Trust 2		($3.58)	$106.70
12/10/2015	Closing Balance			$106.70

Financial Certificates

0094910 - VIDAL, FRANCISCO E

Trust2

Date	Description	Deposit	Withdrawal	Balance
06/11/2015	Opening Balance			$0.00
12/10/2015	Trust 2	$3.58		$3.58
12/10/2015	Closing Balance			$3.58

Trust3

Date	Description	Deposit	Withdrawal	Balance
	No Activity			
06/11/2015	Opening Balance			$0.00
12/10/2015	Closing Balance			$0.00

Savings

Date	Description	Deposit	Withdrawal	Balance
06/11/2015	Opening Balance			$0.00
07/20/2015	Savings	$6.50		$6.50
08/09/2015	Savings	$40.00		$46.50
08/24/2015	Savings	$5.00		$51.50
09/07/2015	Savings	$4.50		$56.00
09/16/2015	Savings	$46.53		$102.53
09/19/2015	Savings	$46.53		$149.06
10/21/2015	Savings	$46.53		$195.59
12/10/2015	Closing Balance			$195.59

Financial Certificates

0094910 - VIDAL, FRANCISCO E

Date	Daily Balance	Daily Deposit	Number Of Deposit
06/11/2015	$0.00	$0.00	0
06/12/2015	$0.00	$0.00	0
06/13/2015	$0.00	$0.00	0
06/14/2015	$0.00	$0.00	0
06/15/2015	$0.00	$0.00	0
06/16/2015	$0.00	$0.00	0
06/17/2015	$0.00	$0.00	0
06/18/2015	$0.00	$0.00	0
06/19/2015	$0.00	$0.00	0
06/20/2015	$0.00	$0.00	0
06/21/2015	$0.00	$0.00	0
06/22/2015	$0.00	$0.00	0
06/23/2015	$0.00	$0.00	0
06/24/2015	$0.00	$0.00	0
06/25/2015	$0.00	$0.00	0
06/26/2015	$0.00	$0.00	0
06/27/2015	$0.00	$0.00	0
06/28/2015	$0.00	$0.00	0
06/29/2015	$0.00	$0.00	0
06/30/2015	$0.00	$0.00	0
07/01/2015	$0.00	$0.00	0
07/02/2015	$0.00	$0.00	0
07/03/2015	$0.00	$0.00	0
07/04/2015	$0.00	$0.00	0
07/05/2015	$0.00	$0.00	0
07/06/2015	$0.00	$0.00	0
07/07/2015	$0.00	$0.00	0
07/08/2015	$0.00	$0.00	0
07/09/2015	$0.00	$0.00	0
07/10/2015	$0.00	$0.00	0
07/11/2015	$0.00	$0.00	0
07/12/2015	$0.00	$0.00	0
07/13/2015	$0.00	$0.00	0
07/14/2015	$0.00	$0.00	0
07/15/2015	$0.00	$0.00	0
07/16/2015	$0.00	$0.00	0
07/17/2015	$0.00	$0.00	0
07/18/2015	$0.00	$0.00	0
07/19/2015	$0.00	$0.00	0
07/20/2015	$58.50	$65.00	1
07/21/2015	$58.50	$0.00	0
07/22/2015	$58.50	$0.00	0
07/23/2015	$58.50	$0.00	0
07/24/2015	$58.50	$0.00	0
07/25/2015	$58.50	$0.00	0
07/26/2015	$58.50	$0.00	0
07/27/2015	$58.50	$0.00	0
07/28/2015	$58.50	$0.00	0
07/29/2015	$58.50	$0.00	0

Financial Certificates

0094910 - VIDAL, FRANCISCO E

Date	Daily Balance	Daily Deposit	Number Of Deposit
07/30/2015	$58.50	$0.00	0
07/31/2015	$20.25	$0.00	0
08/01/2015	$20.25	$0.00	0
08/02/2015	$20.25	$0.00	0
08/03/2015	$20.25	$0.00	0
08/04/2015	$20.25	$0.00	0
08/05/2015	$20.25	$0.00	0
08/06/2015	$20.25	$0.00	0
08/07/2015	$11.07	$0.00	0
08/08/2015	$11.07	$0.00	0
08/09/2015	$371.07	$400.00	1
08/10/2015	$371.07	$0.00	0
08/11/2015	$371.07	$0.00	0
08/12/2015	$371.07	$0.00	0
08/13/2015	$371.07	$0.00	0
08/14/2015	$339.39	$0.00	0
08/15/2015	$339.39	$0.00	0
08/16/2015	$339.39	$0.00	0
08/17/2015	$339.39	$0.00	0
08/18/2015	$339.39	$0.00	0
08/19/2015	$339.39	$0.00	0
08/20/2015	$339.39	$0.00	0
08/21/2015	$326.99	$0.00	0
08/22/2015	$326.99	$0.00	0
08/23/2015	$326.99	$0.00	0
08/24/2015	$371.99	$50.00	1
08/25/2015	$371.99	$0.00	0
08/26/2015	$371.99	$0.00	0
08/27/2015	$371.99	$0.00	0
08/28/2015	$340.54	$0.00	0
08/29/2015	$340.54	$0.00	0
08/30/2015	$340.54	$0.00	0
08/31/2015	$340.54	$0.00	0
09/01/2015	$340.54	$0.00	0
09/02/2015	$340.54	$0.00	0
09/03/2015	$340.54	$0.00	0
09/04/2015	$326.02	$0.00	0
09/05/2015	$326.02	$0.00	0
09/06/2015	$326.02	$0.00	0
09/07/2015	$366.52	$45.00	1
09/08/2015	$366.52	$0.00	0
09/09/2015	$366.52	$0.00	0
09/10/2015	$366.52	$0.00	0
09/11/2015	$335.84	$0.00	0
09/12/2015	$335.84	$0.00	0
09/13/2015	$335.84	$0.00	0
09/14/2015	$801.11	$465.27	1
09/15/2015	$801.11	$0.00	0
09/16/2015	$429.58	$0.00	0

Financial Certificates

0094910 - VIDAL, FRANCISCO E

Date	Daily Balance	Daily Deposit	Number Of Deposit
09/17/2015	$886.45	$465.27	1
09/18/2015	$852.50	$0.00	0
09/19/2015	$805.97	$0.00	0
09/20/2015	$805.97	$0.00	0
09/21/2015	$805.97	$0.00	0
09/22/2015	$619.78	$0.00	0
09/23/2015	$619.78	$0.00	0
09/24/2015	$619.78	$0.00	0
09/25/2015	$545.02	$0.00	0
09/26/2015	$545.02	$0.00	0
09/27/2015	$545.02	$0.00	0
09/28/2015	$545.02	$0.00	0
09/29/2015	$545.02	$0.00	0
09/30/2015	$545.02	$0.00	0
10/01/2015	$545.02	$0.00	0
10/02/2015	$489.38	$0.00	0
10/03/2015	$489.38	$0.00	0
10/04/2015	$489.38	$0.00	0
10/05/2015	$489.38	$0.00	0
10/06/2015	$489.38	$0.00	0
10/07/2015	$489.38	$0.00	0
10/08/2015	$489.38	$0.00	0
10/09/2015	$410.16	$0.00	0
10/10/2015	$410.16	$0.00	0
10/11/2015	$410.16	$0.00	0
10/12/2015	$410.16	$0.00	0
10/13/2015	$410.16	$0.00	0
10/14/2015	$410.16	$0.00	0
10/15/2015	$410.16	$0.00	0
10/16/2015	$410.16	$0.00	0
10/17/2015	$410.16	$0.00	0
10/18/2015	$410.16	$0.00	0
10/19/2015	$578.05	$465.27	1
10/20/2015	$578.05	$0.00	0
10/21/2015	$531.52	$0.00	0
10/22/2015	$531.52	$0.00	0
10/23/2015	$320.01	$0.00	0
10/24/2015	$320.01	$0.00	0
10/25/2015	$320.01	$0.00	0
10/26/2015	$320.01	$0.00	0
10/27/2015	$320.01	$0.00	0
10/28/2015	$320.01	$0.00	0
10/29/2015	$320.01	$0.00	0
10/30/2015	$320.01	$0.00	0
10/31/2015	$320.01	$0.00	0
11/01/2015	$320.01	$0.00	0
11/02/2015	$305.84	$0.00	0
11/03/2015	$303.24	$0.00	0
11/04/2015	$303.24	$0.00	0

Financial Certificates

0094910 - VIDAL, FRANCISCO E

Date	Daily Balance	Daily Deposit	Number Of Deposit
11/05/2015	$303.24	$0.00	0
11/06/2015	$303.24	$0.00	0
11/07/2015	$303.24	$0.00	0
11/08/2015	$303.24	$0.00	0
11/09/2015	$303.24	$0.00	0
11/10/2015	$303.24	$0.00	0
11/11/2015	$303.24	$0.00	0
11/12/2015	$303.24	$0.00	0
11/13/2015	$303.24	$0.00	0
11/14/2015	$303.24	$0.00	0
11/15/2015	$303.24	$0.00	0
11/16/2015	$208.99	$0.00	0
11/17/2015	$208.99	$0.00	0
11/18/2015	$208.99	$0.00	0
11/19/2015	$208.99	$0.00	0
11/20/2015	$208.99	$0.00	0
11/21/2015	$208.99	$0.00	0
11/22/2015	$208.99	$0.00	0
11/23/2015	$208.99	$0.00	0
11/24/2015	$200.99	$0.00	0
11/25/2015	$200.99	$0.00	0
11/26/2015	$200.99	$0.00	0
11/27/2015	$200.99	$0.00	0
11/28/2015	$200.99	$0.00	0
11/29/2015	$200.99	$0.00	0
11/30/2015	$150.50	$0.00	0
12/01/2015	$150.50	$0.00	0
12/02/2015	$144.70	$0.00	0
12/03/2015	$144.70	$0.00	0
12/04/2015	$144.70	$0.00	0
12/05/2015	$144.70	$0.00	0
12/06/2015	$144.70	$0.00	0
12/07/2015	$144.70	$0.00	0
12/08/2015	$113.86	$0.00	0
12/09/2015	$106.70	$0.00	0

Start Date	End Date	Total Daily Balances	Number Of Days	Average Monthly Balances
06/11/2015	07/10/2015	$0.00	30	$0.00
07/11/2015	08/10/2015	$1,549.53	31	$49.98
08/11/2015	09/10/2015	$10,785.79	31	$347.93
09/11/2015	10/10/2015	$17,116.64	30	$570.55
10/11/2015	11/10/2015	$11,432.28	31	$368.78
11/11/2015	12/10/2015	$5,890.52	30	$196.35

Start Date	End Date	Total Deposits	Number Of Deposits	Average Monthly Deposits
07/11/2015	08/10/2015	$465.00	2	$232.[illegible]
08/11/2015	09/10/2015	$95.00	2	$4[illegible]
09/11/2015	10/10/2015	$930.54	2	$[illegible]
10/11/2015	11/10/2015	$465.27	1	

Francisco Vidal 94910
PO Box 650
Indian Springs NV 89070

Las Vegas P&DC 891[illegible]
WED 27 JAN 2016 PM

US District Cort Cle
333 Las Vegas Bl
Las Vegas NV 8910